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Ministry of Police on IPID Policy matters; IPID 2019/10 Annual Performance Plan; with Deputy Minister

NCOP Security and Justice

17 July 2019

Chairperson: Ms S Shaikh (ANC, Limpopo)

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Meeting Summary

The Independent Police Investigative Directorate (IPID) presented its Annual Performance Plan (APP) for the 2019/20 financial year.

The Deputy Minister said there was a political will from the government's leadership to fight crime and corruption. The President had been firm on the matter, and insisted that action had to be taken. The IPID had been encouraged to do its work without fear or favour, irrespective of the high profile of the figures involved.

The IPID reported its overall performance had improved from 65% in 2017/18 to 83% during the past financial year, despite its financial challenges. The entity had been allocated R336.7 million for 2019/20 and the expenditure was expected to grow to R381.6 million in 2021/22 at an average growth rate of 13% in order to accommodate contractual obligations and regulated annual wage increments of up to 7%. The growth in the IPID budget did not usually cover any expansion of functions in the IPID Act. The 34% increase on the budget was a result of additional SAPS funding.

There were other policy matters that required additional funding. These were related to the IPID expansion strategy for the establishment of regional and district offices to ensure it was accessible to the public; the building and enhancing of a specialised investigative capacity within IPID to improve skills in handling corruption and systematic corruption investigations; building capacity in investigating sexual offences; and the implementation of Section 23 of IPID Act, to improve the remuneration and conditions of service for investigators.

It would continue investigating high impact cases to ensure it was able to deal effectively with those that were generally more complex, and continue to work with the National Prosecuting Authority (NPA) to ensure speedy prosecution of cases referred to it. It would continue to implement Section 23 of the IPID Act, which recommends that the salaries of certain ranks of detectives should be on a par with those of the SAPS. The head office would be relocated to another building because a court had found it not suitable for human use, and it would review the closure of satellite offices due to budget cuts. The entity was also working towards achieving a clean audit.

Members enquired about the criteria employed in allocating budgets to the Northern Cape and Mpumalanga; asked if the posts for the provincial heads of the Northern Cape and Mpumalanga had been advertised; wanted to know when the high profile cases would be finalised; enquired why the KwaZulu-Natal (KZN) workload was ranked above that of Gauteng and the Western Cape; requested the Committee to be provided with a detailed report on case backlogs, and to indicate what had been implemented so far; and urged that the Committee be updated on how far IPID had gone in addressing problems caused by the well-known rogue unit in the North West, which acted with impunity and terrorised people, because many people had lost their loved ones at the hands of the police.

Meeting report

Mr Victor Senna, Acting Executive Director: Independent Police Investigative Directorate (IPID), told the Committee that in the matter of *McBride versus the Minister of Police and another* in 2016, the Constitutional Court had reaffirmed the IPID's structural and operational independence in ensuring it executed its mandate without any fear, favour or prejudice. In its achievement of APP targets, the IPID's overall improvement in performance had increased from 65% in 2017/18 to 83% during the past financial year. 2 338 recommendations had been made to the South African Police Service (SAPS), of which 1 464 had been positive recommendations, while 874 had been negative. IPID had secured 91 criminal convictions and was busy investigating 11 high profile cases relating to murder, torture, defeating the ends of justice and corruption.

During the 2019/20 financial year, the IPID would continue investigating high impact cases to ensure it was able to deal effectively with those that were generally more complex. It would continue to work with the National Prosecuting Authority (NPA) to ensure speedy prosecution of cases referred. It would continue to implement Section 23 of IPID Act, which recommended that certain ranks of detectives should be on par regarding salaries with those of the SAPS. The head office would be relocated to another building because the court found it not suitable for human use, and it would review the closure of satellite offices due to budget cuts. The entity was also working towards achieving a clean audit.

Mr Matthews Sesoko, Chief Director: Investigation and Information Management: IPID, reported the vacancy rate was standing at 7.5%, which excluded positions not approved by the Department of Public Service and Administration (DPSA), while 29 vacant positions, which accounted for 13%, included posts funded by the DPSA. The entity was planning to achieve 50% on the implementation of risk mitigation strategies, while 80% was targeted to be achieved in the implementation of the information communication technology (ICT) infrastructure plan.

With regard to investigation and information management, 325 investigators would be trained on specialised services, as per the Investigation Training Plan. 80% of cases would be allocated within 72 hours of written notification. IPID was planning to reduce the annual number of investigations of deaths in police custody that were decision-ready to 150, while the number of investigations as a result of police action would be reduced to 130. The number of investigations of rape by a police officer would be reduced to 69. The number of investigations of rape while in police custody would be reduced to 10, while the number of investigations of corruption that were decision-ready per year would be reduced to 60. 90% would be achieved on dockets referred to the NPA within 30 days of being signed off.

Adv Marianne Moroasui, Chief Director: Legal Services: IPID, said the directorate was aiming to achieve 90% against target on the legal advice it was providing to investigators before and after investigations. 100% would be achieved on legal advice provided to the Department on litigation matters within 12 working days of receipt of the application or action per year. 90% would be achieved on both oral and written advice provided to investigators within 24 hours of request, while on written ones it would be within two working days. Three workshops would be conducted with investigators on practice notes produced. 70% would be achieved on written legal advice provided to the Department within 30 working days of the request.

Ms Mamodishe Molope, Chief Director: Compliance Monitoring and Stakeholder Management, IPID, said the entity was targeting to achieve 90% on the implementation of the Integrated Communication and Stakeholder Engagement Strategy. 40 community outreach events would be conducted, while 136 formal engagements would be held with key stakeholders. Not having enough resources for advocacy work had forced them to reduce their previous year's target of 80 outreach events to 40. Provinces were expected to do four outreach initiatives during this financial period. As a result, IPID was piggybacking on the outreaches of other Chapter 9 institutions. Five case docket inspections would be conducted.

Mr Patrick Setshedi, Acting Chief Financial Officer: IPID, reported the entity has been allocated R336.7 million for 2019/20, and expenditure was expected to grow to R381.6million in 2021/22 at an average growth rate of 13% in order to accommodate contractual obligations and a regulated annual wage increment of up to 7%. The growth in the IPID budget usually did not cover any expansion of functions in the IPID Act. The 34% increase in the budget was a result of additional SAPS funding.

He said there were other policy matters that required additional funding. These were related to the IPID expansion strategy for the establishment of regional and district offices to ensure IPID was accessible to the public; building and enhancing a specialised investigative capacity within IPID to improve skills in corruption and systematic corruption investigations, and building capacity in sexual offences investigations; and implementation of Section 23 of the IPID Act to improve remuneration and conditions of services for investigators.

(Tables and graphs were shown to illustrate budget allocations)

Mr Senna concluded by mentioning there would be continuous follow-ups on outstanding dependencies to ensure full implementation of Section 3 of the IPID Act; expenditure would be monitored regularly through the Budget Executive Committee; and performance would be monitored to ensure achievement of set targets. The entity would continue to work on the reduction of the case backlog, the reprioritisation of core activities, and the implement audit action plans to strengthen internal control systems.

Discussion

Ms C Visser (DA, North West) commended the IPID for standing up to the brutality of SAPS members, and encouraged it to continue producing good work because that was what the community was in need of.

Mr G Michalakakis (DA, Free State) remarked the backlog of 600 cases was very high, and that meant more workload for the IPID. This was not sustainable, because IPID was going to end up with cases that would not be prosecuted. There were very serious cases, like death and rape in police custody, involving people active in the SAPS. There was a need to get rid of the criminals who had a responsibility to protect society. It was not acceptable to always hear IPID complaining about being under-funded year after year. He wanted to know when the high profile cases would be finalised; and asked why KwaZulu-Natal (KZN) was rated ahead of Gauteng and the Western Cape in terms of workload.

Mr Cassel Mathale, Deputy Minister of Police, said he disagreed with the manner in which the SAPS was portrayed by Mr Michalakis, because it was a police service that could be relied on, with good men and women who were committed to their work. Human rights should be protected at all times, and that was why there were entities like IPID. The country was in need of a police service that respected people. The rotten 5% within SAPS would be rooted out, so that it did not affect the rest.

Mr Sesoko responded that the reason why KZN was topping other provinces was because IPID received lots of complaints from the province regarding the intake and backlog of cases. It had the highest figure of 2 452 cases on violence, and was followed by Gauteng and the Western Cape, respectively.

Ms P Mmola (ANC, Mpumalanga) indicated she was happy with the budget increase of 34% because that meant more work would be done. She also enquired about the criteria employed in allocating budgets to the Northern Cape and Mpumalanga. She asked if the posts for the provincial heads of Northern Cape and Mpumalanga had been advertised. Were there plans in place to address the backlogs? Were the 29 vacant posts funded or not?

Mr Sesoko replied that when they allocated resources, they looked at the intake the provinces were getting. For instance, the Northern Cape had a low population. As a result, the number of its cases was low, so it had very few investigators. The issue of funding had led to the closure of a satellite office in Upington. The lack of funds was affecting the ability of IPID to conduct proper investigations. He pointed out they could not do more about the backlogs because of the lack of resources, although 55% of cases had been finalised.

Adv Moroasui said the posts had been advertised and they had gone through the shortlisting process. Six applicants would start work in August. The recruitment process was continuing. Currently, they were busy recruiting for vacancies that had been advertised at the end of June. The posts for the provincial heads had been advertised and there had been a response for the Northern Cape. Headhunting was being done for Mpumalanga, due to the lack of a response.

Mr E Mthethwa (ANC, KwaZulu-Natal) requested that the Committee be provided with a detailed report on backlogs. The report should highlight the matters raised. and indicate what had been implemented so far. The report should also include provincial information, so that it could be discussed with provincial legislators.

Mr T Dodovu (ANC, North West) observed that the independence of IPID should be preserved all the time, because it was intended to fight crime and corruption in the country. The police's conduct, as pointed out in the presentation, was not acceptable. The IPID would be able to police the police only once it was resourced, independent and marketed to the public. No police would act with impunity and think nothing would happen to him or her. He further suggested the contingent liabilities needed to be attended to. IPID should try to be meticulous with its legal advisory services and ensure everything was watertight. He also remarked there was a well known rogue unit in the North West which acted with impunity and terrorised people. It had a political agenda. The Committee needed to be updated on that matter because part of oversight was to know how far IPID had gone in addressing it, as many people had lost their loved ones at the hands of the police.

Adv Moroasui said IPID was working hard to try to reduce contingent liabilities. In the last financial period it stood at R96m, but it had been reduced to R56m this current financial year by putting a policy in place. Matters that were over three years old on the list had been removed. They were now using letters of demand on matters, with a summons on the list.

Mr Sesoko said they had challenges with the way the NPA was dealing with the high profile cases in North West. Everything fell on deaf ears when IPID tried to communicate with the NPA about them. These cases were now going to be dealt with under the auspices of the new NPA unit. IPID was going to act with urgency on these cases, because they involved high-ranking members of SAPS. They had managed only one conviction on the activities of the North West rogue unit. The situation was made difficult by the police because they employed delaying tactics and understood how the criminal procedure system worked. Now IPID was confident the matter would be handled by the NPA and finally go to court.

He added that they would continue to improve the performance of the entity and protect its independence, but the challenge was funding. That was why they sometimes had to make use of SAPS services, especially when it came to ballistics. The main object was to be completely independent of SAPS.

The Chairperson asked how far IPID was with the appointment of the IPID head.

Mr Senna said the process would be finalised soon, but it was the Parliament processes that were involved in making the final decision.

The meeting was adjourned

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